

**EXHIBIT A**

**To the Declaration of Slade R. Metcalf**

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

FELIX CEDENO

Plaintiff,

V.

20<sup>TH</sup> CENTURY FOX FILM CORP.,  
ONE AMERICA PRODUCTIONS INC.  
AND LARRY CHARLES

Defendants.

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) Civil Action No.: 07 CIV 7251 (LAP)

**AMENDED CIVIL COMPLAINT**

## I. INTRODUCTION

1. This is an action pursuant to the New York Civil Rights Law §§ 50 and 51 seeking compensatory and punitive damages on account of the Defendants' appropriation and use of the Plaintiff's image in the motion picture film: BORAT – *Cultural Learnings of America For Make Benefit Glorious Nation Kazakhstan*, "the Film"

## II. JURISDICTION AND VENUE

2. The action was commenced in the Supreme Court of the State of New York and was removed by the defendant 20<sup>th</sup> Century Fox Film Corporation pursuant to 28 U.S.C. § 1441 and 446(d) by virtue of their counsel's filing of a Notice of Removal dated August 14, 2007.

3. This Court has original jurisdiction over this action for pursuant to 28 U.S.C. §1332 of the Federal Rules of Civil Procedure because the Defendant “Fox” and Larry Charles are citizens of different states than the plaintiff and the amount in controversy exceeds \$75,000.00.

4. Venue is proper in the Southern District of New York in that said District court

embraces the state court wherein the State Court Action was filed.

## **II. THE PARTIES**

### ***The Named Plaintiff***

5. Felix Cedenó is a resident of 950 Woodycrest Avenue in the County of Bronx, City and State of New York.

### ***The Defendants***

6. Upon information and belief, the defendant 20<sup>th</sup> Century Fox Film Corporation (“20<sup>th</sup> Century”) is Delaware corporation with its principal place of business in California.

6. Upon information and belief, the defendant One America Productions, Inc. (“One America”) is a California corporation with its principal place of business in California.

8. Upon information and belief, the Defendant Larry Charles (“Charles”) is a citizen of the State of California.

## **III. LEGAL CLAIMS**

9. That beginning on or about November 3, 2006, the defendant, “20<sup>th</sup> Century”, as producer, “One America”, as production company, and “Charles”, as director released “the Film” into distribution in thousands of movie theatres throughout the United States and the world, where it was seen by millions of theatre patrons and where it grossed over a quarter of a billion dollars in revenue.

10. That following its worldwide release, the defendants, jointly and severally released “the Film” in DVD format where it was seen by millions of individuals and where it grossed over 100 Million Dollars in revenue.

11. That “the Film” contained live images of the plaintiff which were filmed on the

Lexington Avenue New York City subway in which the plaintiff, wearing a white tee shirt, occupies the entire frame of the film, at approximately 7 minutes and 58 seconds into the film, while his image and his reaction to the release of a rooster is captured on film.

12. That the defendants conduct in the releases of the aforementioned filmed images of the plaintiff were made knowingly and intentionally and invaded the privacy and property rights of the plaintiff as set forth in §§50 and 51 of the Civil Rights Law of the State of New York.

#### **IV. PRAYER FOR RELIEF**

WHEREFORE, the plaintiff respectfully request that this Court:

Award the plaintiff a judgment for compensatory damages in the amount of TWO HUNDRED FIFTY THOUSAND (\$ 250,000.00) DOLLARS, and a judgment against the defendant for punitive damages in the amount of TWO MILLION DOLLARS (\$2,000,000.00) together with costs and such further and other relief as may be just and proper.

**BY HIS ATTORNEYS,**

/s/

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Brian J. Daly (BD 4574)  
HAWKINS FERETIC & DALY, LLC  
Attorneys for Plaintiff

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Dated: September 20, 2007

To: Hogan & Hartson, LLP  
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